

<b>IN RE:</b>	:	<b>CHAPTER 13</b>
<b>LUCINDA KAY FREEMAN</b>	:	
<b>aka Cindy Kay Freeman,</b>	:	<b>CASE NO. 1:22-bk-02244</b>
<b>Debtor</b>	:	
	:	
<b>LUCINDA KAY FREEMAN</b>	:	
<b>aka Cindy Kay Freeman,</b>	:	
<b>Movant</b>	:	
<b>v.</b>	:	
<b>LVNV FUNDING LLC,</b>	:	<b>OBJECTION TO CLAIM # 1</b>
<b>Respondent/Claimant</b>	:	

1. The Debtor filed a Chapter 13 bankruptcy proceeding on 11/21/2022.
2. The Respondent, LVNV FUNDING LLC, filed an unsecured claim on or about November 28, 2022 in the amount of \$856.27.
3. Federal Rule of Bankruptcy Procedure 3001(c) requires that 'when a claim, or an interest in property of the debtor securing the claim, is based on a writing, the original or a duplicate shall be filed with the proof of claim. If the writing has been lost or damaged, a statement of the circumstances of the loss or destruction shall be filed with the claim.'
4. The creditor's claim is based on a writing, and the documents, if any, attached to the proof of claim do not include the original or a copy of such writing, or a statement of the circumstances of the loss or destruction, if any, of the writing.
5. Rule 3001(c)(2)(A) requires an itemized statement showing all applicable interest, fees, expenses, and/or charges be filed with the proof of claim.
6. Without the required documentation attached to the claim, Debtor's counsel cannot ascertain whether the claim amount is correct and which state's statute of limitations applies.

7. If the applicable statute of limitations is Pennsylvania, then the Respondent's claim is beyond the statute of limitations for collection.

8. The Debtor believes that the claim is beyond the statute of limitations for collection and may be overstated, but without further documentation cannot determine the validity of the claim. The attachment to the proof of claim indicates that the last transaction on the account was made on October 21, 2017, the last payment on the account was made on April 3, 2018 and the obligation was charged off on November 28, 2018..

9. The claim should be disallowed because the claim is beyond the statute of limitation for collections.

WHEREFORE, the Debtor hereby requests that this Honorable Court enter an order

1. Disallowing and dismissing the claim; and
2. Precluding the Claimant from presenting the omitted information as evidence in any contested matter or adversary proceeding pursuant to Rule 3001(c)(2)(D)(i); and
3. Granting such other relief as this Court deems just.

Respectfully submitted,

/s/ Dorothy L. Mott

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<b>Respondent/Claimant</b>	<b>:</b>	
	<b>:</b>	
	<b>:</b>	

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**If you or your attorney do not take these steps, the court may decide that you do not oppose an order affecting your claim. Attorney for Objector**

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Date of Notice: November 29, 2022

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**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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<b>LVNV FUNDING LLC,</b>	:	<b>OBJECTION TO CLAIM # 1</b>
<b>Respondent/Claimant</b>	:	

**ORDER**

UPON CONSIDERATION of the Objection to Proof of Claim filed by the Debtor, it is  
hereby

ORDERED that the claim of the Respondent is disallowed and dismissed; it is further

ORDERED that the Claimant is precluded from presenting the omitted information as  
evidence in any contested matter or adversary proceeding pursuant to Rule 3001(c)(2)(D)(i)